

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 94-2238

IN RE: MICHELE M. FREES, d/b/a From The Heart,
a/k/a Michele M. Fries,

Debtor - Appellee,

MICHELE M. FREES, Individually and as Trustee,

Plaintiff - Appellee,

versus

JOHN GIBNEY,

Defendant - Appellant,

and

EDWARD GIBNEY; ELEANOR GIBNEY; STEPHEN SEGALL,

Defendants.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Richard L. Voorhees, Chief District Judge. (CA-93-275-1, BK-91-10359)

Submitted: February 13, 1996

Decided: March 4, 1996

Before HALL and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Albert Lee Sneed, Jr., VAN WINKLE, BUCK, WALL, STARNES & DAVIS,
P.A., Asheville, North Carolina, for Appellant. Michele M. Frees,
Appellee Pro Se; David G. Gray, Jr., WESTALL, GRAY, KIMEL &
CONNOLLY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order denying his motion for stay pending appeal of the bankruptcy court's final order and denying his motion to withdraw reference to the bankruptcy court. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1988), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1988); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order.

Accordingly, we grant Appellee's motion to dismiss the appeal as interlocutory.* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

* In light of this disposition, the Appellant's motion to expedite and the Appellee's motion to remand this case to the district court are denied as moot. The Appellee's motion to impose sanctions is hereby denied.